

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	16-CR-00508-1
)	
vs.)	
)	
JASON T. MALEK,)	Philadelphia, PA
)	January 9, 2017
Defendant.)	3:12 p.m.

TRANSCRIPT OF PLEA HEARING
BEFORE THE HONORABLE R. BARCLAY SURRICK
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	SONIA MITTAL, ESQUIRE U.S. DEPARTMENT OF JUSTICE ANTITRUST DIVISION 450 Fifth St., NW Suite 11300 Washington, D.C. 20530
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For the Defendant	MICHAEL B. HIMMEL, ESQUIRE LOWENSTEIN SANDLER, LLP 65 Livingston Avenue Roseland, NJ 07068
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Proceedings recorded by electronic sound recording, transcript
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I N D E X

FACTUAL BASIS:

Ms. Mittal

18

PLEA:

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1 (The following was heard in open court at 3:12 p.m.)

2 THE CLERK: All rise. United States District Court
3 for the Eastern District of Pennsylvania is now in session,
4 the Honorable R. Barclay Surrick presiding.

5 THE COURT: Good afternoon.

6 ALL COUNSEL: Good afternoon, Your Honor.

7 THE COURT: Have a seat. Okay. We're calling the
8 case of United States v. Jason Malek. Case Number 16-508.
9 Counsel, please identify yourselves for the record.

10 MS. MITTAL: Good afternoon, Your Honor. My name is
11 Sonia Mittal, I represent the United States. Along with me at
12 counsel table are Mark Grundvig and Ellen Clarke, also
13 representing the United States.

14 MR. HIMMEL: Good afternoon, Your Honor. Michael
15 Himmel for Jason Malek.

16 THE COURT: Okay. Counsel, we're here this
17 afternoon, as I understand it, for a plea of guilty to a
18 two-count Information. Mr. Malek is going to enter a plea of
19 guilty to Counts One and Two of Information under 16-0508.
20 Are we ready to proceed?

21 MR. HIMMEL: Yes, Your Honor.

22 THE COURT: Mr. Himmel, why don't you bring your
23 client forward?

24 All right. Would you swear the defendant?

25 THE CLERK: Raise your right hand, please.

1 JASON MALEK, DEFENDANT, SWORN

2 THE CLERK: Can you state your full name, please?

3 MR. MALEK: Jason Temir Malek (phonetic).

4 THE CLERK: Thank you.

5 THE COURT: All right. Mr. Malek, I'm going to ask
6 you a number of questions over the next half hour or so. And
7 I'm asking you these questions so that I can determine that
8 you are entering this plea voluntarily and intelligently.

9 Do you understand that?

10 MR. MALEK: Yes, sir.

11 THE COURT: You were just placed under oath by my
12 Clerk. When you're under oath, you have to answer my
13 questions truthfully. Do you understand?

14 MR. MALEK: Yes, sir.

15 THE COURT: If you fail to answer questions
16 truthfully when you're under oath, you can be prosecuted for
17 perjury. Do you understand that?

18 MR. MALEK: Yes, sir.

19 THE COURT: All right. Mr. Malek, how old are you?

20 MR. MALEK: Forty.

21 THE COURT: And far did you go in school?

22 MR. MALEK: Eleventh grade.

23 THE COURT: Do you read and write?

24 MR. MALEK: Yes.

25 THE COURT: Are you under the influence of any

1 alcohol today?

2 MR. MALEK: No.

3 THE COURT: Under the influence of any drugs?

4 MR. MALEK: No.

5 THE COURT: Are you under the care of a psychologist
6 or a psychiatrist?

7 MR. MALEK: No.

8 THE COURT: Is there any reason at all, Mr. Malek,
9 why you might have difficulty understanding these proceedings?

10 MR. MALEK: No.

11 THE COURT: You are represented by Mr Himmel in this
12 matter?

13 MR. MALEK: Yes, sir.

14 THE COURT: You've had a chance to discuss this
15 matter with him in detail?

16 MR. MALEK: Yes, sir.

17 THE COURT: Are you satisfied with his
18 representation?

19 MR. MALEK: Yes.

20 THE COURT: Are you satisfied that if you chose to
21 go to trial in this case, he could properly represent you?

22 MR. MALEK: Yes.

23 THE COURT: Mr. Himmel, you've had a chance to
24 discuss this matter with your client in detail?

25 MR. HIMMEL: Yes, I did.

1 THE COURT: Are you satisfied that he's entering a
2 voluntary, intelligent plea?

3 MR. HIMMEL: Yes, sir.

4 THE COURT: Mr. Malek, as I understand it, you want
5 to plead guilty to Counts One and Two of an Information. You
6 understand you have a right to have this matter presented to a
7 grand jury?

8 MR. MALEK: Yes, sir.

9 THE COURT: If you ask to have this matter presented
10 to the grand jury, the grand jury would be made up of anywhere
11 from 16 to 23 citizens from the Eastern District of
12 Pennsylvania. And at least 16 of those grand jurors would
13 have to be satisfied that there was probable cause to believe
14 that you committed the crimes in this Information.

15 Do you understand that?

16 MR. MALEK: Yes, sir.

17 THE COURT: But you don't want the matter presented
18 to the grand jury, you want to admit your guilt to this
19 Information, is that correct?

20 MR. MALEK: Yes, sir.

21 THE COURT: Now you did, I believe, sign a waiver
22 form, did you not?

23 MR. MALEK: Yes.

24 THE COURT: A waiver of presentment to a grand jury?

25 MR. MALEK: Yes, sir.

1 THE COURT: I'm holding that in my hand at this
2 point, and in looking at that, where your name's typed in, it
3 would appear that you signed that. Is that your signature?

4 MR. MALEK: Yes, sir.

5 THE COURT: And you discussed this with Mr. Himmel
6 before you signed it?

7 MR. MALEK: Yes, sir.

8 THE COURT: Did you sign it of your own free will?

9 MR. MALEK: Yes, sir.

10 THE COURT: All right. The waiver form will be made
11 a part of the record. Mr. Glazer (sic), the Information that
12 you want to plead guilty to, as I indicated, has two counts.
13 They charge you with violating Section 1 of the Sherman Act.

14 Do you understand that?

15 MR. MALEK: Yes, sir.

16 THE COURT: Section One of the Sherman Act provides,
17 among other things, that every contract, or combination, or
18 conspiracy, in restraint of trade is illegal. Do you
19 understand that?

20 MR. MALEK: Yes, sir.

21 THE COURT: So in this case, Mr. Malek, if the
22 Government had to prove that you violated Section One of the
23 Sherman Act they would have to prove the following. That you
24 knowingly and intentionally entered into an agreement with
25 other individuals or entities to do an unlawful act.

1 And in this case that unlawful act was to
2 unreasonably restrain trade or commerce by allocating
3 customers, rigging bids, and fixing prices.

4 And they would also have to prove that this
5 conspiracy substantially affected interstate or foreign
6 commerce. Do you understand that?

7 MR. MALEK: Yes, sir.

8 THE COURT: Now Count One charges you with that
9 unlawful act as it relates to a conspiracy that existed
10 between April 2013 and December 2015 involving the generic
11 drug Doxycycline Hyclate, do you understand that?

12 MR. MALEK: Yes, sir.

13 THE COURT: And Count Two deals with a conspiracy to
14 restrain trade that existed between April of 2014 and December
15 of 2015 involving the drug Glyburide.

16 MR. MALEK: Yes, sir.

17 THE COURT: Do you have any questions about the
18 crimes that you are admitting here this afternoon?

19 MR. MALEK: No, Your Honor.

20 THE COURT: Do you understand that violating the
21 Sherman Act, Section One, can be punished by imprisonment of
22 up to ten years?

23 MR. MALEK: Yes, Your Honor.

24 THE COURT: Do you understand that there is a
25 supervised release that follows imprisonment of up to three

1 years?

2 MR. MALEK: Yes, Your Honor.

3 THE COURT: Do you understand that if you're on
4 supervised release, and you violate the terms of supervised
5 release, you can be brought back into Court and you can be
6 re-incarcerated for up to two years?

7 MR. MALEK: Yes, Your Honor.

8 THE COURT: There's also a fine that can be imposed
9 for this violation. And that fine is equal to the greater of
10 \$1 million, or twice the gross pecuniary gain that the
11 conspirators derived from the crime. Or twice the gross
12 pecuniary loss caused to the victims of the crime by the
13 conspirators. Do you understand that?

14 MR. MALEK: Yes, Your Honor.

15 THE COURT: Do you have any questions at all about
16 the crime that you are admitting here this afternoon?

17 MR. MALEK: No, Your Honor.

18 THE COURT: Any questions about the punishment that
19 can be imposed for that crime?

20 MR. MALEK: No, sir.

21 THE COURT: Now, Mr. Glazer (sic), you understand --
22 or, Mr. Malek, you understand that you do not have to enter a
23 plea of guilty. You have an absolute constitutional right to
24 go to trial in this case. Do you understand that?

25 MR. MALEK: Yes, Your Honor.

1 THE COURT: If you chose to go to trial in this
2 matter, we would schedule the case for trial on a date
3 certain, we would bring prospective jurors into this
4 courtroom. Those jurors would all be citizens from the
5 Eastern District of Pennsylvania. And you could participate
6 in the selection of the jury that would hear the case. Do you
7 understand that?

8 MR. MALEK: Yes, Your Honor.

9 THE COURT: During that selection process, you would
10 be able to challenge jurors peremptorily. You would get a
11 certain number of peremptory challenges that you would not
12 have to explain to anyone. Do you understand that?

13 MR. MALEK: Yes, sir.

14 THE COURT: You would also get challenges for cause.
15 Any prospective juror who could not fairly try this case, you
16 could challenge and we would strike that juror. Do you
17 understand that?

18 MR. MALEK: Yes, Your Honor.

19 THE COURT: And do you understand that after you
20 made your strikes, and after the Government did the same, 12
21 jurors would be empaneled to hear the case. Do you understand
22 that?

23 MR. MALEK: Yes, sir.

24 THE COURT: Do you understand that I would tell
25 those 12 jurors, I would instruct them that you are presumed

1 innocent, that the burden is upon the Government to prove you
2 guilty by evidence beyond a reasonable doubt, and I would tell
3 them the mere fact that you've been arrested and accused of a
4 crime is not evidence against you. Do you understand that?

5 MR. MALEK: Yes, Your Honor.

6 THE COURT: Do you understand that if after hearing
7 all of the evidence and testimony, any one of those 12 jurors
8 had a reasonable doubt as to your guilt, you could not be
9 found guilty, because the verdict of a criminal jury must be
10 unanimous, all must agree.

11 Do you understand that?

12 MR. MALEK: Yes, Your Honor.

13 THE COURT: You understand, Mr. Malek, that if you
14 chose to go to trial, you would have a right to file pretrial
15 motions. Motions to suppress evidence, and other pretrial
16 motions. Do you understand that?

17 MR. MALEK: Yes, sir.

18 THE COURT: Did you speak with Mr. Himmel about
19 filing those pretrial motions?

20 MR. MALEK: Yes, sir.

21 THE COURT: Do you understand that if you filed
22 motions, I would have hearings on them, and then I would rule
23 on them?

24 MR. MALEK: Yes, sir.

25 THE COURT: Do you understand that if you chose to

1 go to trial in this matter, you would have a right to confront
2 and to cross-examine all the witnesses against you?

3 MR. MALEK: Yes, Your Honor.

4 THE COURT: You have a right to present your own
5 witnesses. And if you subpoenaed witnesses, we would require
6 that they appear. Do you understand that?

7 MR. MALEK: Yes, sir.

8 THE COURT: You understand that you do not have to
9 testify at a trial? You have a constitutional right to remain
10 silent. And if you choose to exercise that right, it cannot
11 be held against you in any way. Do you understand that?

12 MR. MALEK: Yes, sir.

13 THE COURT: Do you understand that if you went to
14 trial and you were convicted, if you were found guilty, you'd
15 have a right to appeal. And we'd give you an attorney free of
16 charge and file that appeal if you couldn't afford one.

17 Do you understand that?

18 MR. MALEK: Yes, sir.

19 THE COURT: In that appeal, you could raise
20 objections to anything that happened during the trial that you
21 felt was improper. Do you understand that?

22 MR. MALEK: Yes, Your Honor.

23 THE COURT: You could also raise objections to my
24 rulings on those pretrial motions that I mentioned a few
25 minutes ago. Do you understand that?

Colloquy

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1 MR. MALEK: Yes, sir.

2 THE COURT: Mr. Malek, you're telling me you don't
3 want to go through that process?

4 MR. MALEK: Yes, Your Honor.

5 THE COURT: You want to admit your guilt here this
6 afternoon and take the consequences?

7 MR. MALEK: Yes, Your Honor.

8 THE COURT: You understand that if -- if I accept
9 this plea, I am simply going to order a presentence
10 investigation report, and schedule the matter for sentencing.
11 Do you understand that?

12 MR. MALEK: Yes, Your Honor.

13 THE COURT: You and Mr. Himmel will get a copy of
14 that presentence report, and you can make objections to it at
15 the time of sentencing. Do you understand that?

16 MR. MALEK: Yes, Your Honor.

17 THE COURT: Do you understand that there are
18 sentencing guidelines in the Federal system? Those guidelines
19 are advisory, they're not mandatory, but I have to consider
20 them when I'm imposing sentence. Do you understand that?

21 MR. MALEK: Yes, Your Honor.

22 THE COURT: You've talked to Mr. Himmel about the
23 sentencing guidelines?

24 MR. MALEK: Yes, sir.

25 THE COURT: Now, Mr. Malek, you entered into a plea

1 agreement with the Government, is that correct?

2 MR. MALEK: Yes, Your Honor.

3 THE COURT: I'm holding that plea agreement in my
4 hand. And it would appear that it is a 17-page document, and
5 on page 17, it would appear that you signed that document
6 where your name is typed in. Is that your signature?

7 MR. MALEK: Yes, Your Honor.

8 THE COURT: Mr. Malek, did you read this document
9 before you signed it?

10 MR. MALEK: Yes, Your Honor.

11 THE COURT: Did you go over it with Mr. Himmel
12 before you signed it?

13 MR. MALEK: Yes, sir.

14 THE COURT: Did you understand each and every
15 paragraph of it before you signed it?

16 MR. MALEK: Yes, sir.

17 THE COURT: Did you sign it of your own free will?

18 MR. MALEK: Yes, sir.

19 THE COURT: Anybody put any pressure on you to make
20 you sign this?

21 MR. MALEK: No, Your Honor.

22 THE COURT: Did anybody promise you anything in
23 return for signing it?

24 MR. MALEK: No, Your Honor.

25 THE COURT: There are a couple of provisions in here

1 that I want to talk to you about. First of all, there is a
2 waiver of appeal rights. Do you remember reading that?

3 MR. MALEK: Yes, sir.

4 THE COURT: Do you understand that by entering this
5 plea you're severely limiting your appeal rights?

6 MR. MALEK: Yes, sir.

7 THE COURT: You understand that under this plea
8 agreement the only issues that you could raise on appeal would
9 be if I sentenced you above the statutory maximum, do you
10 understand that?

11 MR. MALEK: Yes, Your Honor.

12 THE COURT: If I were to impose a sentence departing
13 above the sentencing guidelines that was unreasonable, you
14 could object to that, and raise that as an objection. Do you
15 understand that?

16 MR. MALEK: Yes, sir.

17 THE COURT: You could also raise an objection that
18 your counsel has ineffectively represented you. Do you
19 understand that?

20 MR. MALEK: Yes, Your Honor.

21 THE COURT: You're telling me, however, that Mr.
22 Himmel has given you good representation?

23 MR. MALEK: Yes, Your Honor.

24 THE COURT: He's been an effective attorney in
25 representing your interest?

1 MR. MALEK: Yes, sir.

2 THE COURT: Do you have any questions about that?

3 MR. MALEK: No, Your Honor.

4 THE COURT: There is another provision in this plea
5 agreement that deals with a downward departure under
6 Sentencing Guideline, Section 5K1.1. Do you recall reading
7 that?

8 MR. MALEK: Yes, sir.

9 THE COURT: That provision essentially says that, in
10 return for your cooperation, the Government can come in here
11 at the time of sentencing and request that I depart downward
12 from those sentencing guidelines that I mentioned earlier. Do
13 you understand that?

14 MR. MALEK: Yes, Your Honor.

15 THE COURT: Do you understand that it is solely
16 within the discretion of the Government whether they will come
17 in here and make such a request?

18 MR. MALEK: Yes, Your Honor.

19 THE COURT: Do you understand that it is within my
20 discretion whether I will grant that request, and the extent
21 to which I would grant that request?

22 MR. MALEK: Yes, Your Honor.

23 THE COURT: There are also in this plea agreement
24 recommendations with regard to the sentencing guidelines. You
25 understand, Mr. Malek, that those are simply recommendations.

1 I'm not bound by the recommendations that you and the
2 Government make as it relates to the sentencing guidelines, do
3 you understand that?

4 MR. MALEK: Yes, Your Honor.

5 THE COURT: It's up to me at the time of sentencing
6 to determine what the guideline implications are, and to
7 impose a sentence that is reasonable under the circumstances.
8 Do you understand that?

9 MR. MALEK: Yes, sir.

10 THE COURT: Mr. Malek, knowing all of this, do you
11 still want to plead guilty here this afternoon?

12 MR. MALEK: Yes, Your Honor.

13 THE COURT: Are you entering this plea of your own
14 free will?

15 MR. MALEK: Yes, sir.

16 THE COURT: Any pressure been put on you at all?

17 MR. MALEK: No, Your Honor.

18 THE COURT: Any promises been made at all?

19 MR. MALEK: None at all, sir.

20 THE COURT: You know what you're doing?

21 MR. MALEK: Yes, Your Honor

22 THE COURT: Any questions about what you're doing?

23 MR. MALEK: No, sir.

24 THE COURT: You understand that if you have any
25 questions, now is the time to ask them, not later?

1 MR. MALEK: Yes, sir.

2 THE COURT: Mr. Himmel, again, you're satisfied that
3 your client is entering a voluntary, intelligent plea here?

4 MR. HIMMEL: Yes, sir.

5 THE COURT: Any question in your mind about that?

6 MR. MALEK: No, sir.

7 THE COURT: Counsel, can we have the factual basis
8 for this plea?

9 MS. MITTAL: Your Honor, had this case gone to
10 trial, the United States would have presented evidence
11 sufficient to prove the following facts.

12 During the periods relevant to Count One and Count
13 Two, the defendant was senior vice-president commercial
14 operations, and president of a pharmaceutical company,
15 organized and existing under the laws of Delaware, with its
16 principal place of business in Eatontown, New Jersey.

17 During the relevant period, the defendant's company
18 was engaged in the acquisition, licensing, production,
19 marketing, sales and distribution of generic pharmaceutical
20 products, including Doxycycline Hyclate, and Glyburide, and
21 was engaged in the sale of those drugs in the United States.

22 Doxycycline Hyclate is a generic antibiotic used to
23 treat a variety of bacterial infections. Glyburide is a
24 generic drug used in the treatment of diabetes. During the
25 relevant periods, the defendant's company produced and

1 distributed Doxycycline Hyclate in delayed release tablet form
2 in three dosage strengths. And produced and distributed
3 Glyburide table form in four strengths. During the relevant
4 period, the parties agree that the affected volume of
5 commerce, based on sales of Doxycycline Hyclate and Glyburide
6 in the United States, totaled approximately \$1.6 million,
7 after excluding certain sales pursuant to United States
8 Sentencing Guideline Section 1B1.8.

9 The relevant period for Count One is that period
10 from in or about April 2013, and continuing until at least
11 December 2015. During the relevant period, the defendant
12 participated in the conspiracy with other persons and entities
13 engaged in the production and sale of generic pharmaceutical
14 products, including Doxycycline Hyclate.

15 The primary purpose of which was to allocate
16 customers, rig bids, and fix and maintain prices for
17 Doxycycline Hyclate sold in the United States. In furtherance
18 of the conspiracy, the defendant and his co-conspirators,
19 including individuals the defendant supervised at his company,
20 and those he reported to at his company's parent, engaged in
21 discussions and attended meetings with co-conspirators
22 involved in the production and sale of Doxycycline Hyclate.

23 During such discussions and meetings, agreements
24 were reached to allocate customers, rig bids, and fix and
25 maintain the prices of Doxycycline Hyclate sold in the United

1 States.

2 The relevant period for Count Two is that period
3 from in or about April 2014, and continuing until at least
4 December 2015. During the relevant period, the defendant
5 participated in a conspiracy with other persons and entities
6 engaged in the production and sale of generic pharmaceutical
7 products, including Glyburide, the primary purpose of which
8 was to allocate customers and to fix and maintain prices of
9 Glyburide sold in the United States.

10 In furtherance of the conspiracy, the defendant and
11 his co-conspirators at his company, including individuals that
12 the defendant supervised, engaged in discussions and attended
13 meetings with co-conspirators involved in the production and
14 sale of Glyburide.

15 During such discussions and meetings, agreements
16 were reached to allocate customers and to fix and maintain
17 prices of Glyburide sold in the United States. The defendant
18 was a manager or supervisor in the conspiracy which involved
19 at least five participants.

20 During the periods relevant for Counts One and Two,
21 Doxycycline Hyclate and Glyburide sold by one or more of the
22 conspirator firms, and equipment and supplies necessary for
23 the production and sale of those drugs, as well as payments
24 for those drugs, traveled in interstate and foreign commerce.

25 The business activities of the defendant and his

1 company, and the co-conspirators in connection with the
2 production and sale of Doxycycline Hyclate and Glyburide that
3 were the subject of this conspiracy, were within the flow of,
4 and substantially affected interstate and foreign commerce.

5 Acts in furtherance of the conspiracy described in
6 Count One and in Count Two were carried out within the Eastern
7 District of Pennsylvania. Doxycycline Hyclate, the subject of
8 the conspiracy described in Count One, and Glyburide, the
9 subject of the conspiracy described in Count Two, were sold by
10 one or more conspirators to customers in this District.

11 In addition, the conspiratorial meetings and
12 discussions described took place within the United States and
13 elsewhere. And at least one of these discussions relevant to
14 Count Two involved a co-conspirator that has its principal
15 place of business in this District.

16 THE COURT: Mr. Malek, you heard what the Assistant
17 United States Attorney just said with regard to the facts of
18 this case?

19 MR. MALEK: Yes, sir.

20 THE COURT: And you read those facts in the plea
21 memorandum?

22 MR. MALEK: Yes, Your Honor.

23 THE COURT: Do you understand that you are admitting
24 those facts?

25 MR. MALEK: Yes, Your Honor.

1 THE COURT: Do you admit those facts?

2 MR. MALEK: Yes, Your Honor.

3 THE COURT: Do you understand that if you did the
4 things that you just admitted, you are in fact guilty of these
5 crimes?

6 MR. MALEK: Yes, Your Honor

7 THE COURT: Mr. Malek, when I accept this plea I'm
8 simply going to order a presentence investigation report and
9 schedule the matter down for sentencing. When I bring you
10 back here for sentencing, if I impose a period of
11 incarceration, it will be a flat period of incarceration.
12 There is no parole in the Federal system.

13 Do you understand that?

14 MR. MALEK: Yes, Your Honor

15 THE COURT: And finally, you and Mr. Himmel will get
16 a opportunity to review that presentence report before the
17 sentencing hearing, and you can make objections to it at the
18 time of sentencing. Do you understand that?

19 MR. MALEK: Yes, Your Honor.

20 THE COURT: Counsel, do you have anything further?

21 MR. HIMMEL: No, sir.

22 THE COURT: Counsel, do you have anything further?

23 MS. MITTAL: No, Your Honor.

24 THE COURT: All right. I find this plea is
25 voluntarily and intelligently entered. I find that there is a

1 factual basis for it. And I will accept it. Will my Clerk
2 please take the plea?

3 THE CLERK: Jason Malek, you are charged in
4 Information Number 16-508 consisting of Counts One and Two,
5 charging you with antitrust violations in violation of Title
6 15 of the United States Code, Section One. How do you plead,
7 guilty or not guilty?

8 MR. MALEK: Guilty.

9 THE CLERK: Thank you.

10 THE COURT: All right. I'm going to order that
11 presentence report that I mentioned. I'm going to schedule
12 this matter for sentencing for April 10, 2017 at 2 p.m. And
13 finally, with regard to Mr. Malek's status, I'm going to
14 permit Mr. Malek to be released on \$300,000 ROR bail.

15 The conditions of that bail will be that Mr. Malek
16 shall report to the Pretrial Services as directed. That he
17 will surrender his passport. That he will not possess any
18 firearms. And that he will not have any contact with
19 co-defendants, or potential witnesses in this case, unless it
20 is at the direction and under the supervision of counsel.

21 Counsel, anything further?

22 MR. HIMMEL: No, sir. Thank you, Your Honor.

23 THE COURT: Anything further from the Government?

24 MS. MITTAL: No, Your Honor.

25 THE COURT: All right. We are in recess.

1 MS. MITTAL: Thank you, Your Honor.

2 THE CLERK: All rise.

3 (Proceedings concluded at 3:40 p.m.)

4 * * * * *

5 C E R T I F I C A T I O N

6 I, Josette Jones, court approved transcriber, certify that the
7 foregoing is a correct transcript from the official digital
8 audio recording of the proceedings in the above-entitled
9 matter.

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JOSETTE JONES DATE

DIANA DOMAN TRANSCRIBING, LLC